IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No.1140 of 2005 (O&M)
Date of decision: October 17, 2006.

Ram Partap Puri

...**Petitioner(s)**

v.

Raj Kumar Mittal

...**Respondent(s)**

Present: Shri Ashok Singla, Advocate for the petitioner.

Shri Sandeep Khungar, Advocate for the respondent.

Surya Kant, J. (Oral)

The petitioner filed CWP No.1400 of 2002 alleging that the garbage/refuge was being dumped by the Municipal Council on the land owned by the petitioner. The said writ petition was disposed of on the basis of a statement made on behalf of the Municipal Council that the garbage was being dumped "on some other land with the consent of the owner".

Alleging that notwithstanding the above stated stand taken before this court, the garbage is being dumped on the land belonging to the petitioner, this contempt petition has been filed.

In response to the show cause notice, an affidavit has been filed by Raj Kumar Mittal, Executive Officer of the Municipal Council, Kapurthala.

According to the petitioner, Khasra No.6460/469 (150 kanal 10 marla) as well as some other adjoining land is owned by him. It is alleged

that the garbage is being dumped by the Municipal Council in Khasra No.6460/469.

In his reply affidavit, the Executive Officer, Municipal Council, Kapurthala has taken a categoric stand that the garbage is being dumped in the land measuring 96 kanals comprising in Khasra No.6457/469 and 91 kanals 11 marlas comprising in Khasra No.6461/6227/468 which the Municipal Council has taken on lease with effect from 1.9.2002 for a period of five years.

From the rival pleas taken by both the parties, it, thus, appears that there is some serious dispute with regard to the demarcation/location of the petitioner's land. Consequently, this petition is disposed of with liberty to the petitioner to move an application before the Tehsildar, Kapurthala for demarcation of the land and if any such application has been moved or is moved by him within 15 days from today, the Tehsildar is directed to demarcate the petitioner's land at the spot after due notice to the Executive Officer of the Municipal Council and/or other affected parties. If it is found that the spot where the garbage is being dumped actually falls in the Khasra Numbers owned by the petitioner, the respondent shall take necessary steps within two weeks thereof to stop the dumping of the garbage in the petitioner's land.

Disposed of.

Rule discharged.

October 17, 2006. [**Surya Kant**]
kadyan **Judge**